

(Del. Rev. 11/14) Pro Se General Complaint Form

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Rodney C. McKenzie61 Barnsley CourtDover DE 19904

(In the space above enter the full name(s) of the plaintiff(s).)

24 - 1055

Civ. Action No. _____

(To be assigned by Clerk's
Office)

-against-

M&T BankOne M&T Plaza 8th FloorBuffalo NY 14203Attn: Erica Ladd

(In the space above enter the full name(s) of the defendant(s).)

If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section I. Do not include addresses here.)

**COMPLAINT
(Pro Se)**

Jury Demand?

☐ Yes☒ No
 2024 SEP 20 AM 10:26
 DISTRICT OF DELAWARE

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

If this is an employment discrimination claim or social security claim, please use a different form.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

(Del. Rev. 11/14) Pro Se General Complaint Form

I. PARTIES IN THIS COMPLAINT**Plaintiff**

List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff:

McKenzie Rodney C

Name (Last, First, MI)

61 Barnsley Court

Street Address

Kent, Dover

County, City

DE

State

19904

Zip Code

302.592.9459

Telephone Number

Rodney McKenzie 83@yahoo.com

E-mail Address (if available)

Defendant(s)

List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1:

M&T Bank Attention: Erica Ladd

Name (Last, First)

One M&T Plaza 8th Floor

Street Address

Erie, Buffalo

County, City

NY

State

14203

Zip Code

Defendant 2:

Name (Last, First)

Street Address

County, City

State

Zip Code

(Del. Rev. 11/14) Pro Se General Complaint Form

Defendant(s) Continued

Defendant 3:

Name (Last, First)

Street Address

County, City

State

Zip Code

Defendant 4:

Name (Last, First)

Street Address

County, City

State

Zip Code

II. BASIS FOR JURISDICTION*Check the option that best describes the basis for jurisdiction in your case:*

- ☐ **U.S. Government Defendant:** United States or a federal official or agency is a defendant.
- ☐ **Diversity of Citizenship:** A matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000.
- ☒ **Federal Question:** Claim arises under the Constitution, laws or treaties of the United States.

If you chose "Federal Question", state which of your federal constitutional or federal statutory rights have been violated.

Multiple Violations under 15 U.S.C. Chapter 41
Consumer Credit Protection

(Del. Rev. 11/14) Pro Se General Complaint Form

III. VENUE

This court can hear cases arising out of the Counties of New Castle, Kent, and Sussex in the State of Delaware.

Under 28 U.S.C § 1391, this is the right court to file your lawsuit if: (1) All defendants live in this state AND at least one of the defendants lives in this district; OR (2) A substantial part of the events you are suing about happened in this district; OR (3) A substantial part of the property that you are suing about is located in this district; OR (4) You are suing the U.S. government or a federal agency or official in their official capacities and you live in this district. Explain why this district court is the proper location to file your lawsuit.

Venue is appropriate in this Court because:

*The Plaintiff resides in Dover Delaware
and the defendant conducts business in Interstate
Commerce, impacting Plaintiff in this Jurisdiction*

IV. STATEMENT OF CLAIM

Place(s) of
occurrence:

Dover Delaware 19904

Date(s) of occurrence:

on or about July 08 2024

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions.

FACTS:

What
happened to
you?

*Please see attached document titled,
In the UNITED STATES DISTRICT Court for the
DISTRICT OF DELAWARE COMPLAINT for a
Complete Description*

Page 5 of 8

(Del. Rev. 11/14) Pro Se General Complaint Form

Who did
what?

(Del. Rev. 11/14) Pro Se General Complaint Form

V. INJURIES

If you sustained injuries related to the events alleged above, describe them here.

Please see attached Complaint for a full description

VI. RELIEF

The relief I want the court to order is:

- ☒ Money damages in the amount of: \$ 145,145 + \$ 64,854.98 = \$209,999.98
- ☒ Other (explain):

\$1,000,000.00 for Punitive damages. Please
see attached Complaint for a full description.

(Del. Rev. 11/14) Pro Se General Complaint Form

VII. CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; and (3) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

9/20/24
Dated

Rodney C. McKenzie
Plaintiff's Signature

McKenzie Rodney C
Printed Name (Last, First, MI)

61 Barnstey Court Dover DE 19904
Address City State Zip Code

302.592.9459
Telephone Number

Rodney McKenzie 83 @ Yahoo.com
E-mail Address (if available)

List the same information for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

Rodney C. McKenzie,
61 Barnsley Court,
Dover, DE 19904,

Plaintiff, Pro SE

v.

M&T BANK,
One M&T Plaza 8th Floor,
Buffalo, NY 14203,

Atten: Erica Ladd

Defendants.

Civil Action No: _____

COMPLAINT

PARTIES

1. **Plaintiff**, Rodney C. McKenzie ("Plaintiff"), is a natural person and a resident of the State of Delaware, residing at 61 Barnsley Court, Dover, DE 19904.
2. **Defendant**, M&T BANK ("Defendant"), is a business entity with its principal location at One M&T Plaza 8th Floor Buffalo, NY 14203.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action pursuant to the Consumer Credit Protection Act, United States Code, Chapter 41, as Plaintiff alleges multiple violations under federal law.
4. Venue is proper in this Court because the Plaintiff resides in Dover, Delaware, and the Defendant conducts business in interstate commerce, impacting Plaintiff in this jurisdiction.

NATURE OF THE ACTION

5. Plaintiff brings this action to redress violations of the Consumer Credit Protection Act under 15 U.S.C. § 1691 (Equal Credit Opportunity Act) and 15 U.S.C. § 1681 (Fair Credit Reporting Act) committed by Defendant.

FACTUAL BACKGROUND

6. On or about July 08, 2024, Plaintiff initiated a consumer credit transaction with Defendant for the purpose of purchasing an automobile.

7. During the course of the transaction, Defendant accessed Plaintiff's consumer credit report and illegally placed a credit inquiry on my credit file without prior notice or authorization.

8. Defendant subsequently reviewed Plaintiff's consumer credit report and took an adverse action by denying Plaintiff's credit application based on information contained in the report, which included a low credit score and multiple negative remarks.

9. On or about [07/20/2024], Plaintiff received an adverse action letter from Defendant outlining the reasons for the denial.

10. Plaintiff is a natural person and a "consumer" as defined under 15 U.S.C. § 1602(i), and maintains an open-end consumer credit plan through the use of a credit card, as defined by 15 U.S.C. § 1637. 15 U.S.C § 1602(J),(L)

11. Defendant's actions in relying on Plaintiff's consumer credit report for the purpose of extending credit, followed by adverse action, violated federal law under 15 U.S.C. § 1691(a)(3) (Equal Credit Opportunity Act) and 15 U.S.C. § 1681a(2)(A) (Fair Credit Reporting Act, exclusions section).

LEGAL CLAIMS

COUNT I: Violation of Equal Credit Opportunity Act (15 U.S.C. § 1691)

12. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

13. Under 15 U.S.C. § 1691, It shall be unlawful for any creditor to discriminate against any applicant with respect to any aspect of a credit transaction. The defendant violated 15 U.S.C § 1611 by giving false and inaccurate information in the adverse action letter pertaining to the equal credit opportunity act disclosure. The defendant repeated the same violation in their response letter from my complaint with the Consumer financial protection bureau when stating that the bank made no errors and that they were unable to remove the inquiry.

14. Plaintiff, acting as a consumer and creditor, has the right to extend credit by using his credit card connected to an open-end consumer credit plan pursuant to 15 U.S.C. § 1602 and § 1637.

15. Defendant discriminated against Plaintiff by denying credit based on adverse credit information, without providing a legitimate, non-discriminatory reason for such denial.

16. Defendant's adverse action is a direct violation of the Equal Credit Opportunity Act.

17. As a result of Defendant's violation, Plaintiff has suffered harm and damages, including, but not limited to, loss of financial opportunity and emotional distress.

COUNT II: Violation of Fair Credit Reporting Act (15 U.S.C. § 1681a(2)(A))

18. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

19. Under 15 U.S.C. § 1681a(2)(A), certain exclusions apply regarding a consumer's credit report.

20. Defendant's use of Plaintiff's credit report, and subsequent denial of credit, violates the Fair Credit Reporting Act, as Defendant improperly relied on the credit information in contravention of the exclusions set forth in the statute.

21. Defendant did not have a permissible purpose under 15 U.S.C. § 1681b to place a credit inquiry on Plaintiff's consumer credit report.

22. As a result of this violation, Plaintiff has suffered damages, including emotional distress, and harm to his financial reputation.

COUNT III: Failure to Provide Adequate Resolution

23. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

24. Plaintiff attempted to resolve this matter by contacting Defendant through branch visits, phone calls, and letters, seeking clarification and remedy.

25. Despite Plaintiff's efforts, Defendant failed to respond adequately or provide any satisfactory resolution to the issues raised, further exacerbating Plaintiff's damages.

ATTEMPTED RESOLUTION

26. Plaintiff filed formal complaints with the Consumer Financial Protection Bureau, the Attorney General's Office in New Castle County, and the Office of the State Bank Commissioner in Kent County, Delaware, regarding Defendant's violations, in an attempt to resolve this matter through regulatory means.

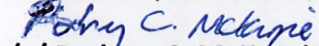
27. Despite these efforts, the matter remains unresolved, necessitating the filing of this complaint.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against Defendant as follows:

- a. Declaring that Defendant's actions violated the Consumer Credit Protection Act, including 15 U.S.C. § 1691 and 15 U.S.C. § 1681a(2)(A); 15 U.S.C § 1611, 15 U.S.C. § 1602 , 15 U.S.C § 1637, 15 U.S.C § 1601
- b. Awarding Plaintiff compensatory damages in the amount of One hundred forty five thousand one hundred and fifty five dollars for financial loss, emotional distress, and harm to reputation;
- c. Awarding Plaintiff punitive damages in the amount of one million dollars for violation 15 U.S.C § 1611 Criminal liability for willful and knowing violation or what is appropriate under federal law;
- d. Ordering Defendant to cease and desist from further violations of the Consumer Credit Protection Act;
- e. Awarding Plaintiff costs and such other and further relief as the Court deems just and proper.

Respectfully submitted,


/s/ Rodney C. McKenzie

Rodney C. McKenzie, Pro Se

61 Barnsley Court

Dover, DE 19904

Phone: [302.592.9459]

Email: [Rodneymckenzie83@yahoo.com]